

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

v.

HEATH DAVIS

No. 6:20-CR-021-H  
ECF

**NOTICE OF INTENT TO USE BUSINESS RECORDS  
ACCOMPANIED BY SELF-AUTHENTICATING AFFIDAVITS**

The United States of America (“Government”) files this Notice of Intent to Use Business Records and Public Records Accompanied by Self-Authenticating Affidavit. The Government intends to introduce business records from Kel-Tec CNC Industries, Inc. in Cocoa, Florida.

**Background**

This case is set for jury selection and trial on August 3, 2020, in San Angelo, Texas.

**Discussion**

Rule 803(6) of the Federal Rules of Evidence allows the entry into evidence of business records of a regularly conducted activity, if --

- The record was made at or near the time by – or from information transmitted by – someone with knowledge;
- The record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
- Making the record was a regular practice of that activity;

- All these conditions are shown by the testimony of the custodian or another qualified witness, or by a verification that complies with Rule 902(11) or (12) or with a statute permitting certifications; and
- The opponent does not show that the source of information or the method or circumstance of preparation indicate a lack of trustworthiness.

In this case, the business records and business records affidavit from Kel-Tec Industries, Inc., regarding the interstate nexus of the .380 Kel-Tec pistol, Model P-3AT, serial number K7B03 have been previously provided to the defense in discovery.

### **CONCLUSION**

Based on the foregoing and pursuant to Rules 803(6), the Government provides notice to defendant of its intention to use business records accompanied by self-authenticating affidavit to present evidence to the jury in the trial of this case.

Dated this 30h day of June, 2020.

ERIN NEALY COX  
UNITED STATES ATTORNEY

*/s/ Juanita Fielden*

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